

UNITED STATES DISTRICT COURT
For the District of Massachusetts

HARTFORD FIRE INSURANCE
COMPANY,

Plaintiff,

v.

TOWN OF WESTON,

Defendant.

C. A. No. 1:05-cv-11166-EFH

**TOWN OF WESTON'S MOTION FOR RECONSIDERATION OF ITS MOTION TO
STAY**

The Town of Weston moves the Court to reconsider its denial of Weston's Motion to Stay the instant litigation pending the disposition of the parallel state law action currently being litigated in Middlesex Superior Court. The Court should reconsider its denial of Weston's Motion to Stay Hartford Fire Insurance Company's claims:

1. for declaratory judgment because Hartford: (a) misstated, in its Opposition, the legal significance of its tactical decision to refrain from filing a counter-claim in the state law action, and (b) misrepresented the scope of its declaratory judgment claim; and
2. for breach of contract because Hartford misstated the legal standard articulated by the U. S. Supreme Court in *Colorado River Water Conservation District v. United States*.

For these reasons, and for the reasons offered in Weston's Memorandum of Law in Support of Its Motion for Reconsideration, filed herewith, this Court should reconsider its

decision to deny Weston's Motion to Stay. The Court should, therefore, issue a stay of the instant action pending the resolution of the parallel State Court Action.

REQUEST FOR ORAL ARGUMENT

The Town of Weston respectfully requests a hearing for its Motion for Reconsideration.

Respectfully submitted,

TOWN OF WESTON
By its attorneys,

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Dated: February 21, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail.

By: / s / John P. Martin

Date: February 21, 2006